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IN THE

Supreme Court of the United States

OCTOBER TERM, 1954

No. 406

ELIE J. BOUDOIN,
Petitioner,

v.

LYKES BROS. STEAMSHIP CO., INC.,
Respondent.

MOTION FOR LEAVE TO FILE A BRIEF *AMICUS CURIAE* ON BEHALF OF THE AMERICAN MERCHANT MARINE INSTITUTE, INC.

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The American Merchant Marine Institute, Inc. respectfully moves the Court for permission to file a brief *amicus curiae* in this case. The consent to the filing of such a brief was granted by the respondent, but was refused by the petitioner.

The American Merchant Marine Institute, Inc. is a non-profit New York membership corporation. The membership of the Institute includes 65 steamship companies which operate dry cargo and passenger vessels, colliers and tankers having a gross tonnage of nearly 6,750,000 tons. This represents about 60% of the privately-owned American-flag merchant marine now operating in our foreign and domestic trades.

The member companies are directly and deeply concerned with the effect of any decision by the Court in this

case which would extend further the liability of an operator of an American vessel.

In their briefs to the Circuit Court of Appeals, neither the petitioner nor the respondent presented to the court facts and arguments based upon the economic and broad social aspects of the case herein, and the petitioner has not done so in his brief on the merits. It does not appear likely, therefore, that these facts and arguments will become available to the Court.

It is respectfully submitted that current information as to maritime hiring practices, the economic position of American seamen with respect both to the employers and to workers in other industries, comparable costs of operating American-flag vessels and foreign-flag vessels, and the economic conditions of the maritime industry in the United States may be very valuable to the Court in its adjudication of this case, and permission is requested to file the accompanying brief as *amicus curiae*.

Respectfully submitted,

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